

Planning Commission Date: June 25, 2003

Item No.

2.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Staci Pereira

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TITLE: "S" ZONE AMENDMENT NO. P-SA2003-3

Proposal: Request for building and site improvements associated with converting a residence to a commercial building for medical use.

Location: 429 South Main Street (APN 086-10-022)

RECOMMENDATION: Approval with conditions

Applicant: Hien N. Nguyen and Nicole Thanh-Cam Vecchi, 2664 Berryessa Road, Suite 114, San Jose, CA 95132

Property Owner: Same as applicant

Previous Action(s): "S" Zone approval

Environmental Info: Exempt

General Plan Designation: Mixed Use

Present Zoning: Mixed Use

Existing Land Use: Single family residence

Agenda Sent To: Applicant/owner (noted above)

Attachments: Site plans, colored elevations, April 23, 2003 Planning Commission minutes, building and landscape light fixture models

PJ No. N/A

BACKGROUND

On June 12, 1968, the Planning Commission approved an “S” Zone amendment for a ±920 sq. ft. accessory building containing a double car garage and an enclosed patio. On the property exists a ±1,288 sq. ft. residence with a beauty salon operating out of the front portion of the house, built prior to the incorporation of the City.

The property is part of the Midtown Plan area and was rezoned from “C2” (General Commercial) to “MXD” (Mixed Use) in April 2002. Under the previous “C2” zoning the residential use was non-conforming, as was the structure, due to setbacks. Under the current “MXD” zoning, the residential use remains non-conforming, the commercial aspect (beauty salon) is a permitted use, and the structures are still non-conforming, as a result of their setbacks.

The applicant purchased the property in the summer of 2002 and received permits from the Building Department on November 13, 2002 (B-BP2002-734) to perform termite repair and replace plumbing and copper wiring, limited to like for like replacement. The Building Department issued stop work orders on December 26, 2002 (B-SW2002-36) and January 14, 2003 (B-SW2003-3) for re-roof and framing work that extended beyond the termite repair and the scope of the approved permit. An incomplete planning application was submitted to the Planning Division on January 8, 2003 to seek approval for commercial conversion of the residential use. A complete application was received on February 20, 2003. On April 23, 2003, staff recommended denial of the proposed project to the Planning Commission. The Planning Commission concurred with staff that several outstanding issues needed to be addressed and continued the item indefinitely to allow the applicant to resolve the driveway width and location, utility pole relocation, trash enclosure location and number of on-site parking spaces. The applicant resubmitted plans to the Planning Division on May 29, 2003.

Site Description

The subject site is located on the west side of South Main Street just south of Corning Avenue. East Calaveras lies to the north, Curtis Avenue to the south, Abel Street to the west and Hammond Avenue to the east.

The site and neighboring properties are zoned “MXD”. Surrounding land uses include a mixture of commercial and residential, with the majority being commercial, such as auto services, professional offices, churches, and commercial strip centers.

The lot is approximately 237 feet deep by 50 feet wide. The existing residence and double car garage with an enclosed patio are situated on the southern portion of the parcel with an 18-foot wide gravel driveway. The rear one-third of the lot remains empty and undeveloped, with the exception of two small, non-permitted sheds west of the garage.



View looking west across South Main at frontage of 429 S. Main Street

THE APPLICATION

The application has been submitted pursuant to Section 42.10 ("S" Zone Applications for Modification or Amendment), Section 38.02 (Principal Permitted Uses in Mixed Use District) and Section 38.09 (Conformance with the Midtown Specific Plan) of the Milpitas Zoning Ordinance. The applicant requests an "S" Zone Amendment (P-SA2003-3) for the various exterior building and site modifications required by Section 38.09 (Conformance with Midtown Specific Plan) of the Zoning Ordinance. As per this section, the new use will require more than 50% additional parking than what is currently provided and is therefore subject to all applicable Midtown Policies, Development Standards and Design Guidelines.

The applicants request to convert the existing residence into a medical office with associated interior and exterior upgrades. Site improvements include new landscaping in the front, rear and south side yards, asphalt paving of the existing gravel driveway with two speed bumps, 5 new parking spaces (1 handicapped accessible), a trash enclosure and a freestanding sign. Exterior modifications to the structures include removing the brick finish and roof material and adding awnings to the front and rear facades, enclosing the front patio and adding 3 pillars, new stucco finish, re-roofing, new doors and windows, raised stucco wainscoting trim, and two handicap ramps with pipe railing at the front and rear entrances of the main building. Changes to the interior include relocating several walls to create office and patient spaces.

CONFORMANCE WITH THE ZONING ORDINANCE

Pursuant to Section 38.02-1 (MXD Principal Permitted Uses), the proposed medical office is a permitted use in the MXD district. The purpose and intent of the Mixed Use District is to encourage a compatible mix of residential, retail, entertainment, office and commercial service uses within the framework of a pedestrian-oriented streetscape. The proposed medical office is consistent with this intent and could potentially serve the future residents and neighboring commercial tenants with a medical service that is within walking distance.

The following analysis below is provided to compare the proposed site and architectural improvements against the developments standards of the MXD District (Section 38.05):

MXD Development Standards	Proposed Project	Mandatory or Discretionary	Complies?
FAR = 75%	11,850 SF / 2,288 SF = 19%	Mandatory	Yes
Bldg. Height = 3 stories, 45'	16'	Mandatory	Yes
Setbacks: Front = 8' min., 15' max. Side & Rear = 10'	29' 0' and 82' (structure built prior to MXD rezoning)	Mandatory	No No
Parking: Medical - 1/225 SF GFA = 8	8 (7 on-site, 1 on-street)	Mandatory	Yes, see page 6
Parks & Open Space = N/A	N/A	Mandatory	N/A
Utilities = underground, fully screened, at rear of site, and not visible from public views	Furnace and water heater enclosed within building; no new exterior equipment proposed. Existing utility pole in front of property to be relocated.	Mandatory	No, see page 7
Trash Enclosure = not visible from public or private street and shall match building	New enclosure at rear of property that matches building, but visible from public street	Mandatory	No, see page 6

Improvements conform with Midtown Design Guidelines	Some	Mandatory	Yes, see page 9
Affordable Housing	N/A	Mandatory	N/A

ISSUES

Architectural Modifications

The exterior building modifications proposed are as follows (see Sheet A3.1 for details):

- ☐ Replacement of all existing windows, with exception of removing three (3) windows on south elevation), with clear glass windows with white vinyl frames;
- ☐ Removal of brick exterior and replacement with a stucco finish;
- ☐ Addition of a raised stucco wainscoting trim on all sides of both buildings, except for the south elevation of the rear accessory building;
- ☐ Addition of fabric awnings above large window at front of main building and above window and door at rear entrance;
- ☐ Three (3) new attic louver vents; two (2) on west/rear elevation and one (1) on the east/front elevation of the main building;
- ☐ New concrete patio, enclosed with new ± 3 foot high stucco wall with round stucco wall top, with three (3) pre-fabricated architectural columns with a wood trellis at the existing front porch;
- ☐ New simulated slate metal tile roof and new fascia gutter for main building;
- ☐ Two new concrete ramps with pipe handrail at the front and rear entrances of the main building for handicap access; and
- ☐ New exterior lighting fixture, "Chrome Lighthouse Wall Sconces"

The applicant has submitted a colored elevation indicating a color scheme of two shades of blue, blue frost and fog (pale blue-gray), and white. The base coat for the stucco surface of both buildings would be fog, with fascia boards along the roof eaves, raised wainscoting trim, trellis, columns and raised stucco wall top in white. The awnings, all doors, vent trims and railings would be accented in blue frost.

Staff suggests several changes to the above-mentioned architectural modifications that would assist in creating a more commercial feel to the existing residential structure and for consistency with the Design Guidelines of the Midtown Plan discussed later in this report. *Staff recommends* the plans be revised to address and include the following:

- a) Recess all windows;
- b) Modify pipe railing proposed at front and rear ramps to create a more openwork design or upgrade railing material;
- c) Show proposed locations of all exterior light fixtures; and

- d) Indicate locations, materials and colors of downspouts for roof drainage (show on plan if concealed in wall).

Site Improvements

Landscaping

The applicant proposes to revise the existing landscaping in the front yard (includes removing brick and wood wheel and tree with a 20' diameter located in rear yard) and introduce new landscaping in the rear and side yards, as indicated on Sheet A4.1 of the project plans. The front yard would consist of a mixture of dwarf tobira and Indian hawthorn shrubs and dwarf fescue grass. Chinese Wisteria vines are proposed along the trellis. The southeastern area between the main building and southern property line would be planted with golden shrub daisies. The landscape areas along the southwestern and west property lines would contain the same groundcover as the front yard and variegated tobira shrubs, four (4) European white birch trees and one (1) Chinese hackberry tree. The applicant also proposes Pagoda Lights (model: P5204-38) in the landscape areas.

Similar to recommended architectural modifications, *staff recommends* the following modifications to the proposed landscape plan:

- a) Increase tree sizes to 24" box;
- b) Add at least one tree to front yard landscape area;
- c) To offset paving of most of the site, create a small landscape area, at least 70 square feet in size between rear of main building, rear accessory building and just south of striped access path with at least one (1) tree and similar shrubs proposed;
- d) In landscape area along south property line, between main building and proposed fence, add golden shrub daisies to area where no landscaping is proposed;
- e) Landscape areas adjacent to parking area and driveway shall be contained by a full depth (6 inches above asphalt concrete to bottom of structural section of adjacent paving) concrete curb; and
- f) Landscape areas abutting the public street, a 24-inch deep water barrier shall be installed behind the curb. Plans shall indicate curb elevation, which shall be approved by the Engineering Division prior to construction.
- g) Add locations of Pagoda lights in landscape areas.

Parking

The site has two existing parking spaces in the garage for the residential use. The conversion to a medical office requires additional parking for patrons, patients and employees. Pursuant to Section 53.23-4 (parking schedule for medical buildings), the proposed use would require 1 space per 225 sq. ft. of gross floor area. The gross floor area is approximately 1,763 sq. ft. (main

building = 1288 sq. ft. and storage area in accessory building = 475 sq. ft.). Based on this square footage, a total of 8 parking spaces would be required for the medical use. The application proposes a total of 8 parking spaces, 7 on-site (5 new surface stalls and 2 in existing garage) and 1 on the street along the building's street frontage, which is permitted for commercial uses in the MXD district.

Solid Waste

Due to the change in use from residential to commercial, the amount and type of solid will increase and would require a commercial account with commercial size trash bins and pick-up service. The applicant proposes a new 20'-4"(l) x 11'(w) x 6'(h) concrete wall, trash enclosure with metal doors at the northwestern corner of the site at the end of the driveway. The exterior would be a stucco finish with raised wainscoting trim and painted to match the main building.

As per the MXD Development Standards, trash enclosures should not be visible from public or private rights-of-way. However, due to the narrowness of the subject lot, compounded by the configuration of the existing buildings, the proposed location is the only way that BFI would be able to access the trash enclosure necessary for the proposed or other future commercial use and not be forced to back out of the site onto Main Street. BFI trucks, as well as other large trucks, such as delivery or service vehicles, would be able to turn around on site by performing a hammerhead, three-point turn to exit the site. Staff supports the proposed trash enclosure location since it resolves the safety issue of having large trucks back out onto Main Street and it will match the materials, colors and architectural style of the main and accessory buildings. In addition, the enclosure would be located more than 237 feet from Main Street and therefore not immediately visible.

Site Access

The only access to the site is from an existing 14-foot wide curb cut on South Main Street previously used to serve a gravel residential driveway. This curb cut is needed to provide vehicle access to the rear of the building and parking area. The change in use to a medical office with parking located in the rear requires the driveway to be upgraded since the existing residential driveway does not meet the width requirement for two-way commercial traffic, which is 20 feet, nor does it meet the driveway access width of 36 feet on this 50-foot wide lot. As recommended by the Engineering Division, the applicant proposes to widen the existing site access to 24 feet, with 4-foot wide flares on each side and pave the ± 18 foot wide driveway as the ingress and egress to the site. This redesign represents a significant improvement over the plan presented at the April 23, 2003 Planning Commission meeting. The suggested driveway width is still below the City standard of 36-feet wide, but this width of 24 feet would be sufficient for this site based on the 35 MPH speed limit on Main Street. This is because a vehicle moving at a slower speed can navigate the tighter turn of a narrower driveway and is less likely to cross over into opposing traffic. Unlike other commercial streets, Main Street is part of the Midtown Plan that includes Implementing Policy 4.16, which will introduce traffic calming measures, such as raised crosswalks, bulb-outs and other appropriate mechanisms that would also reduce the traffic speed on South Main Street in the future. Vehicle speed will be reduced on site by the construction of two speed bumps. As noted on Sheet A1.1, an electrical utility pole located on the sidewalk near

the north end of the property is proposed to be relocated in order to safely align the curb cut with the driveway. If the pole were not relocated, the driveway and curb cut could only be designed to "snake" around the pole causing two situations. Southbound entry to the site from Main Street forcing vehicles into opposing traffic on the existing the driveway. Also, it would cause further encroachment of the front of the property and reduction in the Midtown design elements that can be incorporated in the front yard.

In addition to vehicular access, pedestrian access that is ADA compliant (4 feet width minimum) is also required from public right-of-ways and handicap parking areas. The project proposes two handicap access ramps at the front and rear entrances to the main building. An asphalt surface striped path for access from the handicap parking area to the rear entrance ramp is proposed, in addition to the ramp at the front of the property for handicap access from Main Street to the front entrance. This is a significant improvement over the design presented at the April 23, 2003 Planning Commission meeting.

Perimeter Fence

A 6-foot high solid fence is proposed along the north, south and west property perimeters. Details such as material, color, and elevations have not yet been provided and will require staff's review prior to building permit issuance and installation. In terms of height, the maximum in the front setback (15 feet behind the property line) is 42 inches. However, due to sight distance clearance requirements near driveways, the Engineering Division requires that all fence and shrub heights be reduced to 24 inches, 10 feet from front property line. *Staff recommends* prior to building permit issuance the following changes to the perimeter fence be made on the site plans:

- a) Include the material, color, and elevation of fence;
- b) Reduce fence height to 24 inches at a point 10 feet west of the east property line and no higher than 42 inches 15 feet west of east property line on the north and south perimeters.

Stormwater Runoff

Due to proposed paving to create a designated driveway and parking area, the project plans include a grading and drainage plan. The plan includes directing stormwater run-off from the site to two drains along the northern property line. The drains would carry the water to the landscape area in the southwest corner of the site. Modifications to this plan are required by the Engineering Division to address how the water will be piped to the stormwater drains on Main Street.

Signage

The project proposes a new freestanding sign in the front landscape area, just south of the driveway (see Sheet A1.2). The 7' (w) x 4' (h) wood post frame would match the wood trellis proposed at the front patio area. The 5' (w) x 2' (h) sign would be provided by others and would require planning staff to review the details of (color, text, etc.) prior to building permit issuance and installation. The colors of the sign would match the proposed building colors.

Streetscape Improvements

Streetscape improvements associated with the Midtown Main Street area such as pedestrian lights, benches, trees and tree grates, and sidewalk treatment are required, as per Policy 5.4. Even though the street frontage of the property has been reduced to 26 feet due to the widening of the driveway, it is possible to provide a tree grate for the existing tree, a pedestrian light, and specialized and upgraded sidewalk treatment along the property's street frontage.

Consistent with the specific plan, streetscape improvements are intended to be completed throughout the Midtown Specific Plan area, to benefit the entire area. As per the recommended conditions the Developer is being requested to complete and maintain landscaping, lighting, and other streetscape improvements along Developer's Main Street frontage. However, to ensure the continued and consistent maintenance of those improvements, the City plans to accept all or part of the future maintenance of the Midtown Streetscape improvements, provided such revenue source is available. The City is considering options for financing such maintenance. One such option is the formation of an assessment district to levy special assessments to fund the cost of ongoing maintenance. In consideration of the City's acceptance of maintenance responsibility, *staff recommends* a condition to request that the Developer not protest the district's formation.

CONFORMANCE WITH THE GENERAL PLAN

The proposed project complies with the City's General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with Implementing Policy 2.1-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. It is also consistent with Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector.

CONFORMANCE WITH THE "S" ZONE COMBINING DISTRICT AND MIDTOWN SPECIFIC PLAN

All projects within the Midtown Area are subject to a Site and Architectural Review ("S" Zone Review), in accordance with Chapter 42 ("S" Zone Combining District) of the Zoning Ordinance. This district is intended to promote orderly, attractive and harmonious development and to promote the general welfare by preventing or disallowing the establishment of uses having qualities which would not meet the specific intent clauses, performance standards of this district or which are not properly related to their sites, surroundings, traffic circulation or environmental setting. In this case, staff finds the project has been redesigned to properly relate the use with the site and surroundings. Even though the residential building placement and narrow lot configuration constrain the site and driveway access for a commercial use, the project, as conditioned, yields a safe design that is acceptable for the intended medical use.

In addition to Site and Architectural Review ("S" Zone Review), projects must demonstrate compliance with the Specific Plan – including the Development Standards and Design Guidelines. No "S" Zone approval may be issued by the City without the decision-making body making the following finding:

"The proposed project conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines."

The project's compliance with the development standards was reviewed on page 3 and 4 for consistency with the Mixed Use Zoning District. The following table shows how the proposed project does not comply or meet the goals of the Midtown Specific Area Design Guidelines:

Midtown Plan Design Guidelines	Proposed Project	Mandatory or Discretionary	Complies?
A-2.b: Aggregation of parcels of Main and Abel Streets to create larger building sites and to reduce curb cuts is encouraged	A small parcel among several other small parcels developing separately	Discretionary	No
A-2.f: Access drives to parking facilities should be shared whenever feasible in order to reduce curb cuts and potential conflicts with pedestrians.	Site access has the potential of conflicting with pedestrians when viewed in conjunction with numerous adjacent access drives.	Discretionary	No, (However a condition of approval is recommended for future cross access to help achieve this objective)
A-3.h: All perimeter setbacks areas should be landscaped. A screening shrub hedge (up to 6' high) should be planted along the property line between parcels	Due to zero setback of accessory building and need to maintain existing width of driveway, portions of west, north and south perimeters are not landscaped.	Discretionary	No
A-3.i: Parking areas within MXD should be designed to provide for a comfortable pedestrian experience.	Redesign of driveway, pedestrian access and parking area achieves safety and ease of the pedestrian experience.	Discretionary	Yes
B-1.a: Buildings should maintain a strong relationship to the street with primary building entrances oriented toward the street.	Dual entrances are provided to allow for handicap access from both the parking areas at the rear of the site and from public rights-of-way.	Discretionary	Yes
B-3.b: Windows and window frames should be set in the wall	New windows appear to be flush with walls, however	Discretionary	Yes, as conditioned

to provide a reveal.	staff recommends a revealed treatment.		
C-2.c: Vehicular access ways should be landscaped with trees spaced 20-30 on center	Due to the narrow width of the driveway as designed, it is not possible to plant trees on the north property line along the driveway.	Discretionary	No
C-4.e: All signs should be designed to complement architectural style and setting of structure.	The freestanding sign does match the building colors and complements the wood trellis feature proposed at the front of the building. Sign content will be reviewed by staff prior to installation	Discretionary	Yes

The above table reveals the project does not comply with a number of Design Guidelines of the Midtown Plan. Most can be attributed to the fact the building and accessory structures are non-conforming, as they were built prior to the adoption of the Midtown Plan and because of the project constraints due to the lot configuration. As noted, there are two guidelines that could be met with staff's recommended modifications to the proposal.

In regards to meeting the intent of the Specific Plan, there are policies and goals of the Midtown area with which the proposed project is consistent with such as Land Use Goal 2 and Policy 5.1, which promotes a pedestrian-oriented mixed use district that is centered on Main Street and consistent with the Design Standards and Guidelines. In addition, the Midtown Plan ensures that new development (including new buildings, remodels and additions) is of high-quality and reinforces the public realm which includes city streets, sidewalks, parks and pedestrian and bicycle paths. The project as redesigned and conditioned meets the overall goals, policies and intent of the Midtown Plan.

Neighborhood/Community Impact

The proposed medical office with associated building and site improvements, as conditioned, is expected to have a positive community impact by enhancing an existing development in the Midtown Area. The conversion will provide the surrounding community with a unique service, plastic surgery, that does not generate any increase in noise levels above what currently exists in the area. Any odors associated with waste from the use have been addressed with the new solid waste enclosure, while any biomedical waste would be properly contained within the building and picked up by a BFI special service for such waste. Sufficient parking, as per code requirements, has been provided and the number of trips generated from the site would not exceed 3 in the AM peak hours and 6 in PM peak hours. As conditioned, the proposed use is not anticipated to create any significant affects on parking, traffic, noise, odor or other adverse impacts on the community.

Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 1, Section 15301(n) ("Existing Facilities", conversion of a single family residence to office use) of the Environmental Quality Act (CEQA) guidelines.

RECOMMENDATION

Close the Public Hearing. Approve "S" Zone Amendment (P-SA2003-3) based on the Findings and Recommended Special Conditions listed below:

FINDINGS

1. The proposed project is consistent with the General Plan in terms of land use and Policies 2.a-I-6 and 2.1-I-3, which encourage economic pursuits that strengthen and promote development and that can resist downturns in any one economic sector.
2. The proposed project is consistent with the Zoning Ordinance in that a medical office is a permitted use in the Mixed Use (MXD) district. The purpose and intent of the MXD is to encourage a compatible mix of residential, retail, entertainment, office and commercial service uses within the framework of a pedestrian-oriented streetscape. The proposed medical office is consistent with this intent and could potentially serve the future residents and neighboring commercial tenants with a medical service that is within walking distance.
3. The project, as conditioned, meets the intent of the "S" Combining District which promotes orderly, attractive and harmonious development and to promote the general welfare by preventing or disallowing the establishment of uses having qualities which would not meet the specific intent clauses, performance standards of this district or which are not properly related to their sites, surroundings, traffic circulation or environmental setting. In this case, staff finds the project has been redesigned to properly relate the use with the site and surroundings. Even though the residential building placement and narrow lot configuration constrain the site and driveway access for a commercial use, the project, as conditioned, yields a safe design that is acceptable for the intended medical use.
4. The project, as conditioned, meets the intent of the Midtown Plan and is consistent with Community Design Goal 2 and Policy 5.1, which establish a pedestrian-oriented mixed use district that is centered on Main Street and consistent with the Design Standards and Guidelines. In addition, the Midtown Plan ensures that new development (including new buildings, remodels and additions) is of high-quality and reinforces the public realm which includes city streets, sidewalks, parks and pedestrian and bicycle paths.
5. The project, as proposed, is not anticipated to create any significant effects on parking, traffic, noise, odor or other adverse impacts on the community. It is expected to have a positive community impact by enhancing an existing development in the Midtown Area.

6. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301(n) ("Existing Facilities", conversion of a single family residence to office use) of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This approval is for "S" Zone Amendment No. P-SA2003-3 for the exterior and interior modifications to the building and site improvements as indicated on plan dated June 25, 2003 and as modified by the Conditions of Approval that follow. Any modification to the Conditions of Approval will require an "S" Zone Amendment and review by the Planning Commission. Minor changes, as per Section 42.10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
3. Prior to building permit issuance, the applicant shall submit a revised site plan that includes the following:
 - a) Include the material, color, and elevation of fence;
 - b) Reduce fence height to 24 inches at a point 10 feet west of east property line and —no higher than 42 inches 15 feet west of east property line on the north and south perimeters and along all other property lines shall not exceed 6 feet in height;
 - e) Pavement of the entire 18-foot width of the area between the north side of building and north property;
 - f) A Fire Department approved sign reading "NO PARKING, FIRE ACCESS" shall be provided at the driveway location; and
 - g) Show the proposed relocation of utility pole near the northeast corner of the site as a part of reconstruction of sidewalk and streetscape improvements. (P)
4. Prior to building permit issuance, the applicant shall submit a revised landscape plan with the following:
 - a) Increase tree sizes to 24" box;
 - b) Add at least one tree to front yard landscape area;
 - c) To offset paving of most of the site, create a small landscape area, at least 70 square feet in size between rear of main building and accessory building, just south of striped access path with at least one (1) tree and similar shrubs and groundcover proposed on-site;
 - d) In landscape area along south property line, between main building and proposed fence, add golden shrub daisies to area where no landscaping is proposed;
 - e) Landscape areas adjacent to parking area and driveway shall be contained by a full depth (6 inches above asphalt concrete to bottom of structural section of adjacent paving) concrete curb; and

- f) For landscape areas abutting the public street, a 24-inch deep water barrier shall be installed behind the curb. Plans shall indicate curb elevation which shall be approved by the Engineering Division prior to construction.
 - g) Add number of and locations of Pagoda lights in landscape areas. (P).
- 5. Prior to any protected tree (36-inch circumference or larger) removal, the applicant shall obtain a tree removal permit from the Trees and Landscape section of Public Works Department at (408) 586-2601. (P)
- 6. As per Resolution No. 168 (Standard Conditions for Commercial Development), the following applies to all landscape areas:
 - a) All planter areas shall be serviced by a sprinkler head or drip system; and
 - b) All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
- 7. As per Resolution No. 168 (Standard Conditions for Commercial Development), all rooftop equipment shall be shielded from view. This approval does not include any rooftop equipment since none were shown on plan. However, prior to issuance of any permit for such equipment, the applicant shall submit plans indicating rooftop equipment is below the existing parapet or roof screen. If equipment projects above the height of the screening, the applicant shall submit line-of-sight view analysis drawings indicating the equipment will not be visible from surrounding view points, including public and private rights-of-way and private properties. (P)
- 8. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD:
 - a) Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
 - b) Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
 - c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - e) Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 - f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
 - g) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - h) Limit traffic speeds on unpaved areas to 15 mph;

- i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - j) Plant vegetation in disturbed areas as quickly as possible; and
 - k) Suspend excavation and grading (all earthmoving or other dust-producing activities) or equipment during periods of high winds when watering cannot eliminate visible dust plumes. (P)
9. Prior to any building permit issuance, the applicant shall submit plans depicting the following architectural modifications:
- a) Recess or reveal all windows for consistency with the Midtown Design Guidelines Section B-3 (Fenestrations);
 - b) Modify pipe railing proposed at front and rear ramps to create a more openwork design or upgrade rail material; and
 - c) Show proposed locations of all exterior building light fixtures (building fixtures in Lighthouse Wall Sconce in Chrome) and site lighting for parking and driveway areas (consistent with Midtown Design Guidelines Section C-5, a-e); and
 - d) Locations, materials and colors of downspouts for roof drainage (show on plan if concealed in wall).
10. Prior to building permit issuance, the applicant shall submit an irrigation plan for all landscape areas.
11. Consistent with the specific plan, streetscape improvements are intended to be completed throughout the Midtown Specific Plan area, to benefit the entire area. Condition No. 17 requires Developer to complete landscaping, lighting, and other streetscape improvements along Developer's Main Street frontage. Developer shall maintain frontage landscaping in the right-of-way. However, to ensure the continued and consistent maintenance of those improvements, the City plans to accept all or part of the future maintenance of the Midtown Streetscape improvements, provided such revenue source is available. The City is considering options for financing such maintenance. One such option is the formation of an assessment district to levy special assessments to fund the cost of ongoing maintenance. In consideration of the City's acceptance of maintenance responsibility, Developer, on behalf of itself and its successors and assigns, shall agree that should the City propose an assessment district for the purposes of maintaining the Midtown Streetscape improvements, or any portion thereof, Developer will not protest the formation of the assessment district, and Developer shall submit a ballot in favor of the assessment, to the extent that the assessment does not exceed \$500.00 per year in year 2003 dollars plus any annual inflationary adjustments proposed in the assessment ballot. Developer shall not be precluded from challenging the special benefit "spread" of the assessment among the various properties. (P)
12. Prior to building permit issuance, the applicant shall submit a revised stormwater control plan for on-site drainage which incorporates design concepts recommended by the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA, 1999), including, but not limited to

- fossil filters, grading of impervious areas to landscaping and roofs draining to landscaped areas. (P)
13. Prior to occupancy permit issuance, the applicant shall contribute a "fair share" traffic impact fee in the amount of \$3,387 (based on a Midtown impact fee of \$113 per peak hour trip and Montague Expressway impact fee of \$903 per peak hour trip). (P)
 14. Consistent with Policy A-2.b and A-2.f of the Midtown Plan, property owner shall grant cross access through the truck turn around area to property owner to the south when that property is redeveloped. (P)
 15. Prior to building permit issuance, the applicant shall submit the proposed elevations of the rear accessory building, previously submitted as Sheet A3.2 on plans dated February 5, 2003. The architectural modifications shall match and complement the elevations of the main building. (P)
 16. At the time of building permit plan check submittal the developer shall submit a grading/paving plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study. *The proposed concept to drain all storm runoff to back of the property is not acceptable. Site should be designed to drain to the street under no pressure (gravity flow).* (E)
 17. At the time of building plan check submittal, the developer shall submit plans for public improvements and obtain approval for all necessary public improvements along Main Street, including but not limited to curb and gutter, pavement, concrete paver sidewalk, street furniture improvements such as pedestrian lighting, and tree well grates. These required improvements shall comply with the City's Development standards and Design guidelines approved for Milpitas Midtown Specific Plan. The developer's obligation as relates to the installation of street furniture is set at a maximum of \$7000. The public improvements shall be constructed prior to building occupancy/final inspection. (E)
 18. Prior to any building permit issuance, the developer shall dedicate a 10-foot wide Public Service Utility Easement (PSUE) along the subject property on S. Main Street, as shown on the Engineering services Exhibit "S", dated 6/10/2003. (E)
 19. Prior to any building permit issuance, the developer shall pay to the City \$17,500 in lieu of undergrounding the overhead utilities along its frontage on S. Main Street.
 20. Prior to building certificate of occupancy issuance the developer shall:
 - A. Construct the proposed driveway to withstand the weight of a BFI front load truck (16 tons \pm)
 - B. Remove and underground low-hanging wire across the driveway and wires running over the ground.

- C. Remove and relocate the existing utility pole to allow for the construction of new driveway. The new driveway shall be minimum of 24 feet wide with 4 feet flares on each side.
 - D. Construct the new enclosure per City guideline. (E)
21. Prior to certificate of occupancy issuance, the applicant shall submit a copy of a signed BFI customer service agreement as evidence that the applicant has subscribed to a minimum 1-cubic yard bin collected once per week for refuse and 1-cubic yard bin collected once per week for recycling service. Fax signed BFI customer service agreement attn: Utility Engineering - Solid Waste at (408) 586-3305.
- After the applicant has started its business, the solid waste service shall be evaluated by BFI commercial representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)
22. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. The height of 10 feet of the existing wooden fence on the northerly property line shall be reduced to 24" maximum to mitigate the existing line of site conflict, as further shown on Engineering Services Exhibit "S" (dated 6/10/2003). (E)
23. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
24. Prior to any work within public right-of-way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

Planning Division = (P)

Engineering Division = (E)

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369]

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or

after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.

2. Fire safety during construction, alteration or demolition of the building shall meet the requirements of the Fire Code Article 87, unless modified in writing and approved by the Fire Chief.
3. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use the same access. California Fire Code, Section 902.2.1.2, amended by Milpitas Municipal Code V-300-2.01.
4. Fire apparatus access road with an unobstructed width of not less than 14 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided. The driveway, north of the office building, shall be not less than 14 feet in width.
5. The required fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances shall be maintained at all times. Approved signage "NO PARKING, FIRE ACCESS" shall be provided at driveway location.
6. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations, Title 19, Division 1 and Chapters 1 and 3, and as required by the Milpitas Fire Chief. Section 1002.1, California Fire Code (CFC).
7. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Manual operated edge- or surface-mounted flush bolts and surface bolts are prohibited. Section 1207.3, CFC.
8. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Section 1203, CFC.
9. No approval is granted under this review for the storage, transport, use or handling of compressed gases.
10. No approval is granted under this review for use or handling of hazardous materials. If hazardous materials are intended to be stored, transported on site, used or handled, in an amount requiring a permit, a Hazardous Materials Business Plan (HMBP) shall be submitted to the Fire Department by the business responsible. If hazardous materials are not intended to be stored, transported on site, used or handled in an amount requiring a permit, a Hazardous Materials/Waste Registration Form and/or a Hazardous Materials Exemption Declaration shall be submitted to the Fire Department by the business responsible. Submittal shall be done at the time of building permit application. No final inspection to all or any portion of

the development shall be deemed complete and no certificate of occupancy shall be issued until this requirement has been met. CFC, Section 105.4, as amended by Section V-300-2.01 MMC.

11. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be as per Section 804.1, California Building Code.
12. Combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Section 1103.2.1.2, CFC.
13. Dumpsters and containers of rubbish with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored or placed within 5 feet of combustible walls, openings or combustible roof eaves unless protected by an approved sprinkler system. Section 1103.2.2, CFC.
14. This building is not noted as having an automatic fire sprinkler system. If fire sprinklers exist, or will be installed, complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 1001.3, CFC.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3241]

1. Applicable codes shall be 2001 CBC, CPC, CMC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.
2. Building shall be located 20 feet minimum from property line as per 2001 CBC, Table 5A or exterior walls shall be one-hour fire rated.
3. Openings are not permitted less than 5 feet per 2001 CBC Table 5-A.
4. Provide parapet per 2001 CBC Section 709.4 or comply with exceptions.
5. Proposed paving shall comply with the 2002 Milpitas Municipal Code section II-13-18.
6. All non-structural flat concrete work shall be as per 2002 Milpitas Municipal Code, Section II-13-17.05.
7. People with disabilities accessible parking shall be provided as per 2001 CBC, Section 1129.B.1 and Table 11B-6. Accessible parking spaces shall be dispersed and located closest to the accessible entrances. One in every eight accessible parking spaces, but not less than one parking space shall be van accessible as per Section 1129 B.4.2.
8. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel and at building entrances that are accessible as per 2001 CBC, Section 1127B.3.
9. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, Section 1114B.1.3.

10. When number of employees exceeds four, two separate bathrooms shall be provided as per 2001 CBC, Section 2902.3 and they shall be fully accessible as per 2001 CBC, Section 1115B.2.
11. Provide maneuvering clearances at doors as per 2001 CBC, Section 1133B.2.4.2.
12. Counters provided for the public and in general employee area must be accessible at least 5%, but not less than one as per 2001 CBC, Section 1122B.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3327]

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, Pac Bell, AT&T Broadband, Santa Clara Valley Water District and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.
2. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:
 - A. Water Service Agreement(s) for water meter(s) and detector check(s).
 - B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).
3. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 942-3233.
4. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance.
5. At the time of building plan check submittal, the developer shall make changes as noted on Engineering Services Exhibit "S" (dated 6/10/2003) and submit a revised set of Exhibit "S" and three sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.
6. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit.
7. In accordance with Chapter 5, Title VIII (Ord. No. 238) of the Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:

- A. Provide separate water meters for domestic water service and irrigation service. The developer is also encouraged to provide separate domestic meters for each tenant.
- B. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord. No. 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.

- 8. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.
- 9. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities.
- 10. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.

TO BE ATTACHED TO THE EXHIBIT

Construction plan submittals for permit shall include the following items:

GENERAL

- 1. Include any necessary details and specifications with the plans if they are not City Standards or approved equals.
- 2. Show the locations of all existing, and proposed public facilities (streets-include street name (also state private street if private maintained road), street light, storm drain, sewer, water etc.), and any proposed connections to public facilities.
- 3. Show all existing and any proposed easement or right-of-way dedications on the plans.
- 4. Add note: Prior to the start of any work within the City right-of-way (public street or easement), the developer's contractor shall obtain an Encroachment Permit. Also include other public work general construction notes-see Engineering Plans and Map Procedures and Guidelines.

WATER

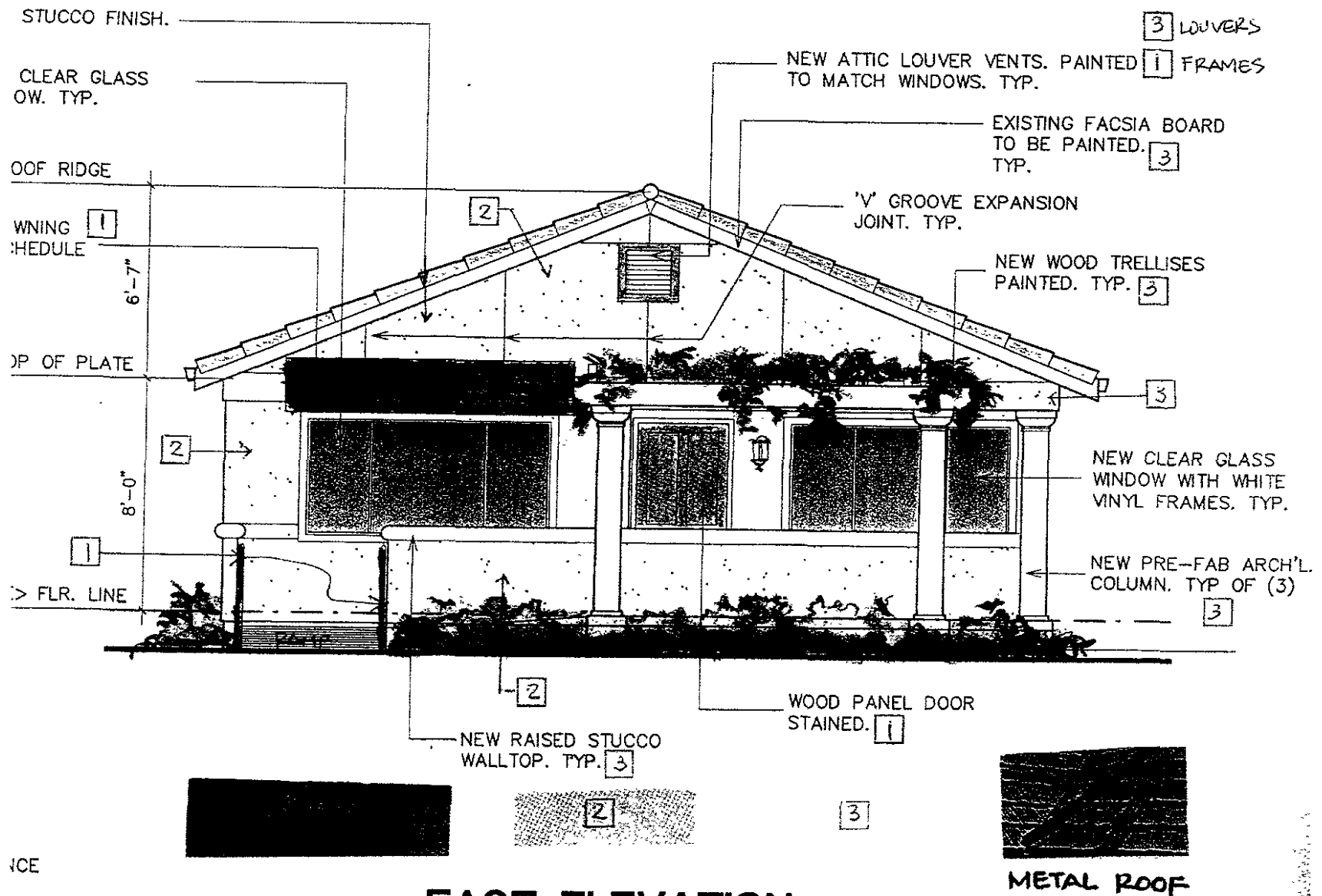
1. Show the size(s) & location(s) of all existing and proposed water mains, service(s), meter(s) and backflow device(s) on the plans. Also, show depth and material of existing main for wet/hot taps or isolation valves for cutting in tees.
2. Domestic water meters- add note: Install reduced pressure principle backflow prevention device as per City Standard Drawing #734.
3. Irrigation meters- add note: Install reduced pressure principle backflow prevention device per City Standard Drawing #734.
4. Fire services- add note: Install detector check valve per City Standard Drawing #730 for commercial/industrial use. Looped fire services require double check detector check valve.
5. Indicate any existing well(s) to be maintained or abandoned in accordance with Santa Clara Valley Water District. Air gap or reduced backflow protection is also required for all active (non-sealed) wells.

SEWER

1. Show size(s) and location(s) of existing and proposed mains, lateral(s), clean out(s) and any necessary sewer backflow device(s) on the plans.
2. Industrial and commercial developments require a 6" sewer lateral and cleanout as per City Standard Drawing #620, sheet 2.
3. Residential developments require a 4' sewer lateral and cleanout as per City Standard Drawing #620, sheet 1.
4. Show the lowest finish floor elevation of the structure and the rim elevation of nearest upstream sanitary manhole on the plans. If the lowest floor elevation is less than one foot above the rim elevation of the nearest upstream manhole, then a backflow preventer per City Standard Drawing # 624 is required.
5. Applicant shall contact the San Jose/Santa Clara Water Pollution Control Plant (SJ/SC WPCP 408-945-5300) for their requirements on plan approval and Industrial Wastewater Discharge Permit.

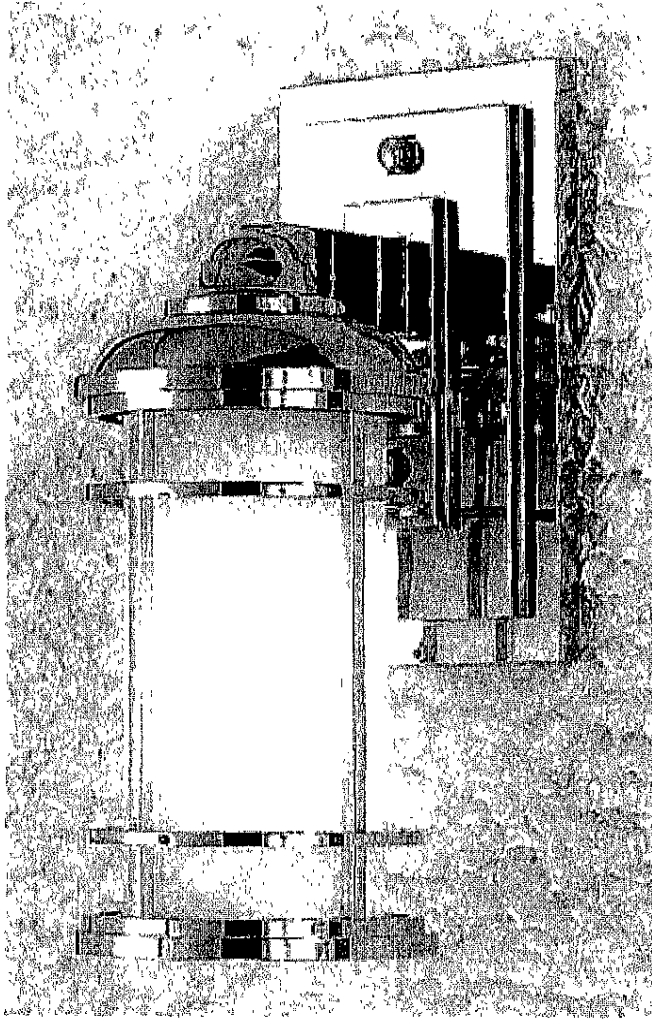
DRIVEWAY

1. Show width(s) and location(s) of all existing and proposed driveway(s) on the plans.



EAST ELEVATION

SCALE : 1/4" = 1'-0"



| Lighthouse Wall Sconce in Chrome

Handsome Lighthouse wall sconce is reminiscent of contemporary mission with a nod to the nautical. Try this versatile fixture in damp locations indoors or out. It is finished in chrome complimented with etched opal glass.

Bellacor Number: 32922

Finish: Chrome

Dimensions: 5"W x 11"H x 6"Ext

Bulb/Watt: One - 100 watt Medium Base bulb

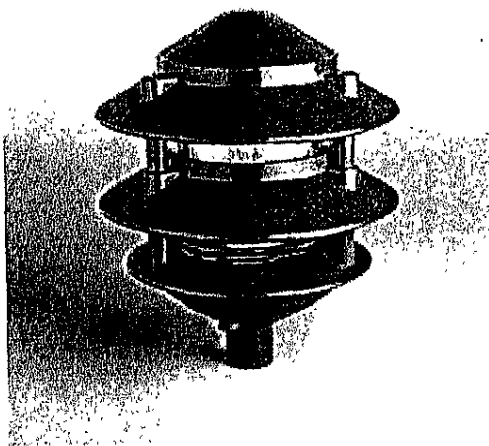
| Certification: UL

Usage: Interior

Collection: Lighthouse

Shipping Time: Usually ships in 4 to 6 weeks

Exterior - Landscape



Progress - Pagoda Lights
Model: P5204-38

Dimensions: Height: 7" Width: 6"
Number of Bulbs: 1
Maximum Wattage: 100W
Bulb Base: Medium
Voltage: 12V
Glass: Clear Glass
Bulbs: Bulb Not Included
Shown In Green

[Click to see matching products.](#)
[Click to see product accessories.](#)

Shipping & Handling: \$10.00

As Shown:

Required Accessories: Transformer,
And 1/2" NPS Threaded Adapter

In response to Chair Hay, Ms. Heyden reported that State law governs variances; language in State law is general, and the City code sets forth these 5 specific findings, which go above and beyond State law as cities are allowed to do. All factors do not have to be present in order to grant the variance. City Attorney Faubion, after reviewing the Zoning Ordinance, confirmed that the 5 standards guide the Planning Commission in the granting of the variance. The variance must be applicable to a hardship with the lot not the circumstances of the family.

Chair Hay invited the applicant to address the Planning Commission.

Chad Leffler, the applicant, stated that his family is increasing and he is trying to expand his 3-bedroom residence. He wants to keep a uniform look with the other houses in the neighborhood. He believes that coming in 2 feet makes the residence look too busy and that the resale value would probably not be as much as the residence next door. He stated his blueprints were drawn up before October 2002 when the code changed and he was waiting for refinance funds, then, he ran into the variance problems. His personal preference is that the residence would look better if it had straight lines. If this cannot be done, then he will have to scrap the project. He expressed thanks for the Commission's consideration of his project.

There were no other speakers from the audience.

Close Public Hearing

Motion to close the public hearing on Agenda Item No. 3.

M/S: Williams/Giordano

AYES: 7

NOES: 0

Motion to deny variance request P-SA2003-19 based on variance requirements and in accordance with staff's findings and recommendation to deny the variance.

M/S: Nitafan/Giordano

AYES: 7

NOES: 0

IX. NEW BUSINESS

**6. "S" ZONE
AMENDMENT NO. P-
SA2003-3: Staff Contact:
Staci Pereira, 586-3278.**

Chair Hay opened Agenda Item No. 6.

Commissioner Nitafan abstained from discussion and voting on this item due to a conflict of interest. His business is 300 feet from this property. Chair Hay excused Commissioner Nitafan for the remainder of the evening. Commissioner Nitafan left the meeting at 7:36 p.m.

Staci Pereira, Jr. Planner, presented a request for building and site improvements associated with converting a residence to a commercial building for medical office use at 429 South Main Street (APN 086-10-022).

Ms Pereira stated that the project as proposed does not meet the following standards for the mixed-use district: 1) setbacks, 2) parking, and 3) site access, vehicular access and pedestrian access. She referred to the staff report.

The project as proposed does not meet the following standards for the mixed-use district:

- 1) Setback requirement: The existing front setback is 29 feet., the required Midtown minimum is 8 feet and maximum of 15 feet. The existing south side setback is a zero lot line; the north side is 18 feet. The required Midtown side yard setback is 10 feet.
- 2) Parking: There are 6 parking spaces proposed, 5 on site and one on the street in front of the building. Based on one space per 225 gross square feet of floor area, the parking requirement is 8 spaces, which staff believes the site can accommodate.
- 3) Site access/utilities: There are utilities on site above ground; Midtown requires underground utilities. The applicant has stated that no means exist to gain access on an adjacent property to share an ingress or egress on site. There must be vehicular and pedestrian access to the site. Converting from residential use to commercial use requires a commercial solid waste account, service and commercial bins. As proposed, there is concern BFI and delivery trucks cannot turn around safely on site and must back into Main Street. Staff also has safety concerns with bicyclists and pedestrians using the sidewalk on Main Street.

Ms. Pereira stated she has discussed several potential solutions with the applicant regarding the driveway width and access. One solution staff suggested may be to redesign the rear of the site to allow a turnaround so that BFI and delivery trucks would not have to reverse out of the site. This would require removing the rear accessory building, shifting parking east, paving the rear of the site and constructing a trash enclosure at the northwest corner of property.

Of the 8 Midtown Design Guidelines, which the project does not meet, two of them can be met with the redesign of the project.

The project as proposed conflicts with the General Plan, which requires new projects to be bicycle and pedestrian friendly. The project does not meet the intent of the "S" Combining District. The project does not meet the intent of the Midtown Plan because it is in conflict with Community Goal 2 and Policy 5.1, which establish a pedestrian-oriented mixed-use district that is centered on Main Street, consistent with the Design Standards and Guidelines. The project does not comply with the applicable Design Standards and Guidelines, unless the site is redesigned.

Based on these findings, staff recommends denial of the project as proposed.

In response to Commissioner Giordano's question how setbacks required in the Midtown Plan specifically address existing areas that have non-conforming setbacks, Ms. Pereira stated that an applicant can deviate from the Development Standards with a Use Permit, however the applicant is not proposing to add onto the existing building. Therefore, it doesn't have to meet the Development Standards. Commissioner Giordano asked what was the philosophy, when the Midtown Plan was being developed, to enable buildings of this nature to be converted and fold into the Midtown Plan. Ms. Heyden reported that as with any parcel in the City, if you have a nonconforming structure, that doesn't meet the setback requirements, it doesn't matter if you change the use of the building; you are allowed to continue to use that structure. Unless there is an addition to the structure, the issue of it being nonconforming doesn't really come into play because only the addition would need to meet the current setback requirements.

Commissioner Giordano posed the question, "If Milpitas did not have the Midtown Specific Plan, and this project came forward, would it meet or would it not meet the setback requirements?" Ms. Pereira said she was not aware of the setbacks for the C-2 district, the previous zoning for the property.

Commissioner Giordano asked if the parking requirement could be modified if this is going to be more of a medical clinic use. She suggested that maybe long-term parking would not be necessary because this type of business would be more of an "in-out" clientel. Ms. Pereira stated that the applicant could request a parking reduction, which would require a trip generation study that would be included with the project application. She stated parking was not an issue with the applicant.

In response to several questions from Commissioners, Ms. Pereira indicated that typically, the pick up for solid waste is once a week, but it depends on the use. This structure has always had a residential account so BFI does not access the property.

Commissioner Galang asked how often would they have pick up. Ms. Pereira indicated that typically the pick up is once a week, but it depends on the use. This structure has always had a residential account so BFI does not access the property.

In response to Commissioner Giordano, Ms. Pereira stated that 500 – 600 square feet. of the residence was converted into a salon and has remained. This project request is to expand the commercial use throughout the entire structure and discontinue the residential use. Staff spoke with the applicant, in March, to discuss compliance with the design guidelines. Of the 8, they do not comply with 2 guidelines, but are willing to make the changes.

Regarding the issue of the width of the driveway, Ms. Pereira confirmed that although it should be 36 feet for a commercial standard driveway, staff is agreeing that 24 feet. would be sufficient. The project does not propose to widen the driveway to 24 feet. To widen the driveway would require removing a utility pole and undergrounding. Ms. Pereira referred to Exhibit S. in the Commissioners' packets. Commissioner Lalwani asked what has the applicant said about moving the utility pole; is it okay with the utility company to move it? Ms. Pereira indicated that staff has not gotten into discussions about that with the applicant.

In response to Commissioner Lalwani regarding the solid waste issues, Ms. Pereira indicated that in order to accommodate BFI trucks to turn around on site and not have to back up into the street would require the applicant to remove the rear building and shift the parking east in order to allow a larger area for a 3 or 5 point turn. Commissioner Lalwani asked if the applicant is not agreeing to this, to which Ms. Pereira replied staff has not gotten into discussions with the applicant.

Ms. Pereira confirmed to **Commissioner Galang** that according to the City's Building Code requirements, it is mandatory to provide a handicap space and reported the Midtown requirements. This property does not have the space to provide the parking on the street in front of the building. In answer to another question, Ms. Pereira stated that staff supports the front entrance of the building being used as an emergency entrance and that wouldn't be a problem if the frontage were in compliance with the Midtown Plan. Ms. Pereira stated that the Midtown Plan allows for freestanding signs, only at major site entries, which this project complies with. Staff has suggested minor upgrades for the sign to compliment the exterior of the building.

Chair Hay invited the applicant to address the Planning Commission.

The applicant, Nichole Thanh-Cam Vecchi thanked the Commission for reviewing the project and hoped tonight's meeting could resolve the outstanding issues. She introduced her husband, Hein N. Nguyen and their attorney, Kirsten Power, who specializes in land use and redevelopment law. She said this project has a lot to offer to the City because with the closing of the San Jose Medical Group, Milpitas lost over 20 physicians, of which at least 7 of those primary care providers are women.

The applicant addressed two of the concerns Planning raised; and solid waste and site access. She stated that by OSHA law they have account with BFI for medical waste to be picked up. She said in a letter dated in July, Planning indicated they wanted curbside pickup but after meeting in February with the City's Solid Waste management and Planning staff, she agreed to City staff's request to have solid waste pickup remain curbside. Then later in March, staff was requiring onsite pick up. Then after April 15 letter, she received a call which said that in order to do onsite pickup, the applicant would need to knock out the existing, legal, non-conforming back building in order to make space for the trucks to turn around. Ms. Vecchi referred to her Exhibit C regarding a proposed hammer turnaround. She stated that the hammer turnaround is more than adequate for the trucks to turn around.

Chairperson Hay expressed concern with the items the applicant was presenting and asked if staff had an opportunity to review what had been given to the Planning Commission and asked if it was new information. Staff responded that they had not.

The applicant stated she called staff about these items and she reiterated to the Planning Commission some of the communications she had with Planning staff regarding the issues. The applicant stated she mentioned to staff on Monday, that there is plenty of land on the property for BFI trucks to turn around and her architect called Ms. Pereira to talk about the hammer turnaround. The applicant said it is her opinion that the hammer turnaround is a more practical way of solving this issue so that they do not have to knock out the existing, legal, nonconforming back building. She explained the hammer turnaround and said she was told that it is not adequate. Therefore, that is why she is presenting this solution to the Commission to see if it is adequate.

In response to Chair Hay, the applicant stated that her architect came up with the drawing this morning. Chair Hay indicated that staff has not had an opportunity to review it.

Ms. Vecchi referred to the 2nd issue, which she stated was thoroughly discussed on March 28 with Engineering and Ms. Pereira. She referred to Engineering's drawing that Ms. Pereira showed earlier; this was Engineering's proposal to solve the problem of safely approaching the driveway. She further stated that she would comply with the suggestions of Engineering, however, she and her husband feel that removing or relocating the existing utility pole wouldn't enhance the safety issue. She stated that Engineering's suggestion back on March 18 left the utility pole in place and they did not say it was a safety issue then. She said she did not learn about the request to remove the pole until April 15. She stated she spoke with all their consultants including civil engineering. The architect, a local paving company and PG&E, all of whom felt that with a slight shift of the flare southward, that they wouldn't have to remove the utility pole to enhance safe access to the driveway. What Engineering suggested back on March 18 would adequately meet that safety issue.

Ms. Heyden reported that the exhibit, to which the applicant is referring, was provided as only a courtesy to the applicant; it was not distributed to the Planning Commission because staff is recommending denial. The document was provided as an indication to the applicant of what kinds of requirements would need to be done if this property were converted for commercial purposes. It is not a completed product and is not considered to be a public final product at this time.

Ms. Vecchi referred to the last document *Special Conditions from Planning Staff* and stated they would comply with all of it except the removal of the back building, and removal of the utility pole. She read Condition Nos. 8 and 11 on pages 2 and 3 of the document. She said that these two items are asking them to give their neighbor and City Government carte blanche to their property, which is a constitutional issue.

The applicant's attorney, Kirsten Powell, 255 W. Julian Street, San Jose spoke on the two issues, Conditions Nos. 8 and 11. She said she understands Ms. Heyden's comments but in the event that the Planning Commission is comfortable with the changes her client is proposing, the (outstanding) concerns are Nos. 8 and 11.

Ms. Powell stated that Condition No. 8 requires her clients to agree to consent to any future assessment district that may be imposed. Pursuant to the Streets and Highways Code and Proposition 218 of the State Constitution, all property owners are allowed to vote to approve or deny an assessment district and that by requiring this of them at this point, without informing them what those assessment districts may or may not be, is an infringement on their rights and should not be included in the conditions.

Condition No. 11 is a requirement to grant their neighbors cross access easements. Given the proposal that you have in front of you, for the use that is intended, the requirement of an easement dedication seems to be excessive and there is no nexus for that. The applicants are more than willing to work with their neighbors in the event that cross access issues are necessary. But given the site and surrounding sites, it seems very unlikely that would happen. She stated she and her clients would oppose that as an excessive requirement and asked that those 2, (Nos. 8 and 11) be eliminated from the conditions for approval.

During discussion and in answer to Commissioner Lawlani, Ms. Vecchi stated the neighbor to the south is a resident/owner Joann Souza and her mother. She said they approached them about future access easement. Should they also wish to have commercial access it would be beneficial to both parties to cooperate now so they could also have access when they need it. However, they flat out denied any cooperation for an easement. Ms. Vecchi said she asked the owner to the south if she was considering converting her property to commercial use and that owner said she was not thinking about that and was not interested in mutual access.

In response to Commissioner Lalwani regarding if staff thought the southern property would be developed later, Ms. Pereira stated that given the age of the property, staff would assume so, but there are no proposals nor interest expressed from that property owner at this time.

Ms. Powell stated that the buildings on her client's property are also built either on or next to the property line so a shared access really wouldn't work, given the configuration of the buildings on both properties.

Chair Hay stated that there is no recommendation for approval with conditions. These conditions were not given to the Planning Commission before tonight, except for what the applicant has just provided for the purposes of approval; there has not been an opportunity for review. Chair Hay asked Ms. Faubion to address and advise on the two issues brought up by the applicant's attorney.

Ms. Faubion stated that she also has not had an opportunity to review the conditions, and perhaps Ms. Heyden can clarify that these conditions are not being offered to the Commission as conditions of approval or potential approval, they are sort of a document in progress. (Earlier in the meeting, Ms. Heyden had already clarified this.) Ms. Faubion stated it is her belief that both of these conditions derive from policies in the Midtown Plan. Condition No. 11 recognizes there is a great deal of parceling that can inhibit redevelopment of some of the sites and she believes there is a policy for combining driveways, sharing access and trying to minimize the number of driveways. Policy No. 11 also seems to be derived from the General Plan policies.

In response to Chair Hay, Ms. Faubion clarified that an assessment district does have its own set of rules and yes; it would require a vote of the property owners to assess themselves.

Ms. Vecchi summarized the key things she is asking the Planning Commission for help today: 1) consider the proposal for the hammer turnaround to a more practical solution for the BFI trucks to exit safely. 2) Consider letting her adopt what Engineering had suggested on the 18th of March, which was a 24-foot, new driveway, with a 4 foot. flare with a slight shift over so they don't have to remove and underground the utility pole. Ms. Vecchi contacted PG&E to get an idea of the costs for that. PG&E informed her it is a very involved process of maybe 6 months to 1 year. Although they could not quote a cost, they indicated it would be a minimum of \$10,000. Also, PG&E indicated the City must first approach PG&E; the applicant cannot approach PG&E. Ms. Vecchi stated that her architects, civil engineer and paving companies are of the opinion that with a slight shift, the applicant may not have to remove the utility pole. Ms. Vecchi stated she is not contesting the issues raised by the Planning Division and is not trying to get around the safety issue but she said she is proposing a more practical solution to the issue.

Regarding Condition Nos. 8 and 11, Ms. Vecchi stated those would have to be worked out between the two attorneys. She said she believes there should be some limitations as to what is being asked of her.

Mike McNeely, City Engineer, asked if he could clarify the driveway item. He explained that the applicant is advocating an offset driveway. He referred to the plan showing the driver coming southbound from left to right. If the driveway is moved south, as shown in red on the plan, then the driver trying to make the right turn would need to make more than a 90 degree turn. The driver would have to snake around the pole and that is the potentially dangerous situation that staff would like to avoid. That is why staff is recommending that the pole be moved northerly or placed underground. Mr. McNeely confirmed that the drawing provided earlier to the applicant, and to which the applicant alluded to, was not a final product; it was a work in progress that depicts the way the driveway would be located.

In response to Commissioner Lalwani's question, Mr. McNeely stated that he would have to talk with staff about the 4 foot. flare, but the flare is a standard flare as shown on the plan. The 4 foot. flare would help to increase the width of the driveway but there would still be a potential for danger; there would be cars coming southbound and having to double back with opposing vehicles coming out of the driveway. He added that staff has not seen nor reviewed the drawing regarding the applicant's plan for the hammer turnaround.

Ms. Vecchi said that, in terms of a safe approach of the driveway, if you look at the suggestions on the special conditions from Planning, it said it would help address that issue, but it is also based upon an increase of volume projected in 10-20 years. With the economic downturn, she said she doesn't see in the foreseeable future that a rise in the traffic volume is an issue.

Chair Hay invited anyone in the audience to address the Planning Commission.

Don Peoples, 529 South Main Street, stated that he was representing himself in addressing the Planning Commission and he does not have any professional relationship to the project. He expressed his opinion that the Midtown Plan is very much for new development but it also has gray areas. He believes this type of business is what the people want on Main Street and which is certainly an improvement over the former use and is a positive influence on Main Street. He believes that to solve this requires creative thinking for everyone so that something positive is quickly done there and public safety is accommodated.

Ms. Heyden stated that this is the first site in Midtown that the Planning Commission has seen that is a redevelopment site. The redevelopment of this site is more challenging and more difficult than if you were to demolish the buildings and reconstruct buildings in the proper location, proper setbacks, and proper size. In this case staff has to work around some situations. Additionally, review for staff is tougher.

Ms. Heyden stated that the March 18 comments were shared with the applicant during the process. There is an evolution with project review; once comments are received back from the departments. Information sharing occurs internally to discuss conflict. The review by Planning staff is never complete until the day the (Commission) packet is released. Ms. Heyden stated that the hammer turnaround mentioned by the applicant has not been reviewed; it was mentioned to staff verbally. Until staff can see it on paper, because the site is so tight, it would need review by staff as a group to allow staff to generate the proper special conditions. She said that staff's intention regarding the conditions the applicant presented this evening, was to provide something for the applicant so they could begin to get some idea of the costs associated with redeveloping this site to meet the zoning code regulations, safety considerations and meet the intent of the Midtown Design Guidelines.

Regarding traffic volume, Ms. Heyden stated that when a site is approved and constructed, it is there for a long time. Therefore, current traffic volumes as well as projected future volumes 15-20 years from now must be considered. Staff's job is to advise and look at the future to ensure that this site has the proper conditions and will be safe and well-designed.

Chair Hay stated that this application is premature. It appears there is agreement on some areas where it didn't first appear there was agreement. Also, it appears there needs to be some additional discussion on some areas. Chair Hay said he is uncomfortable with denying or approving a project when it is as incomplete as this one is. The City Attorney has not had an opportunity to review the design that was brought forth this evening by the applicant. As part of that, the Planning Commission would expect complete staff review and review by the City Attorney to evaluate the conditions.

Chair Hay requested a response from BFI regarding the pertinent issues; a proposal has made which he believes is worthy of evaluation by BFI, as an alternative to what staff has been proposing.

Commissioner Williams expressed concern regarding growth of future traffic in the area. Because Milpitas is a pass through City for traffic through the area at all hours of the day, there is a real need to understand the traffic patterns on Main Street.

Commissioners agreed this application is premature and agreed they are not ready to vote for denial or approval at this time. There was consensus the best approach is to have staff and the applicant revisit the outstanding issues once again. Commissioner Giordano stated she believes all Commissioners agree this project is a welcomed use to the community and agree they want to revitalize the Midtown area.

Motion to continue this item to the next Commission meeting or whenever appropriate when staff and applicant have reached agreement. The key areas to be revisited are: 1) the main item -- that we maintain the architectural design that the Midtown Plan was specifically designed to do. 2) The easement issue as brought forth by the (applicant's) Attorney, that there is or is not a legal problem. -- that needs to be taken to staff and the applicant's attorney. 3) The hammerhead turnaround; both BFI and City staff need to agree that it would work. 4) Parking: can the parking be satisfied and agreed upon. 5) The PG&E utility pole issue needs to be resolved. 6) Traffic: It is necessary to make sure that there is no concern regarding that issue.

M/S: Giordano/Lalwani

Commissioner Giordano stated she would like to see these issues brought back and would hope this project would go forward.

Chair Hay stated that because the Midtown area is a main priority, this item should be advertised, whether it comes back as a public hearing or not.

AYES: 7

NOES: 0

**X.
ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:42 p.m. to the next regular meeting of May 14, 2003.

Respectfully Submitted,

Tambri Heyden
Planning Commission
Secretary

VICTORIA LINDEMAN
Recording Secretary Pro Tem



9AN JO8E, OA 95132 TEL (408) 928-8190 FAX (408) 928-8190

SY-CHENG TSAI C-24234

MEDICAL OFFICE
429 SOUTH MAIN STREET
MILPITAS, CA.

SITE PLAN

DATE: 05/29/03

JOB NO. K30210

REVISIONS:

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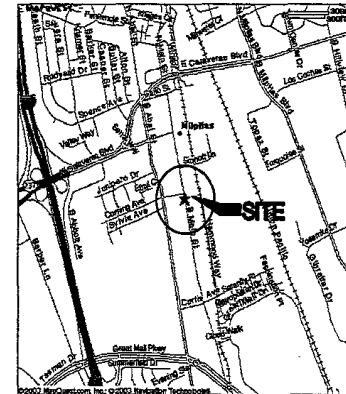
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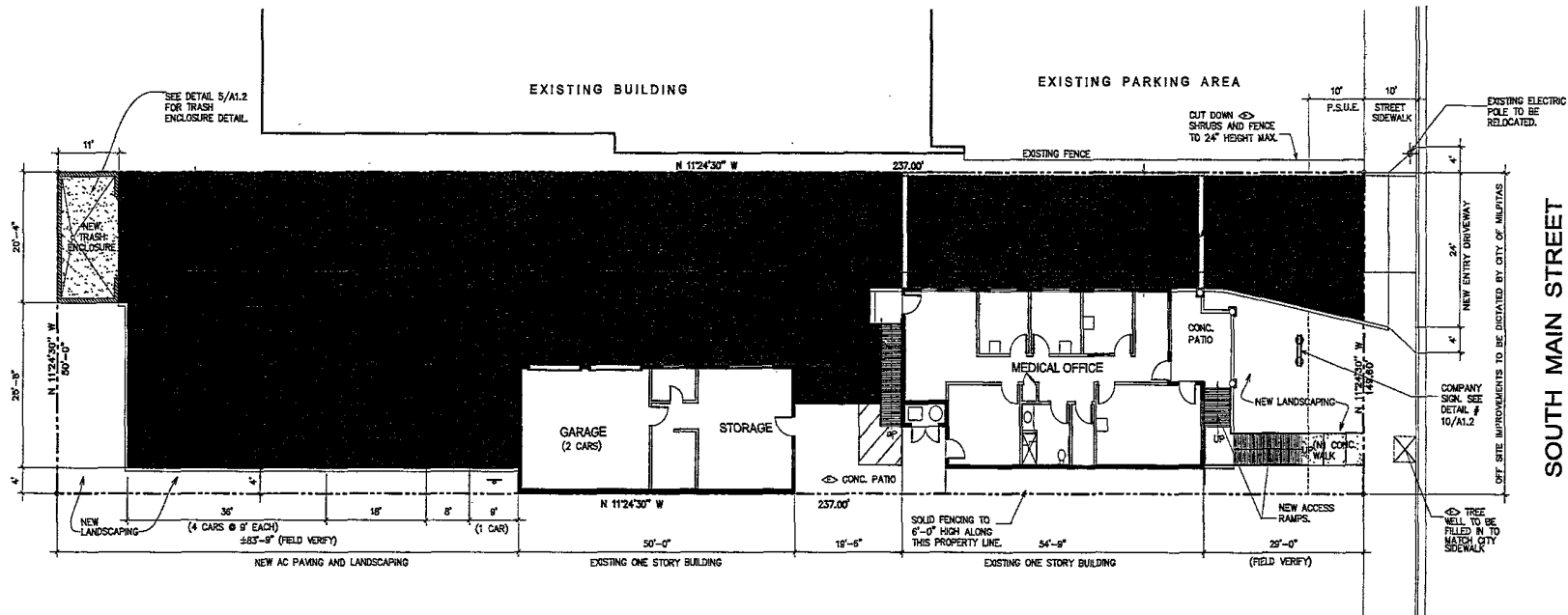
SHEET NO.

A1.1

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VICINITY MAP
NOT TO SCALE

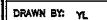
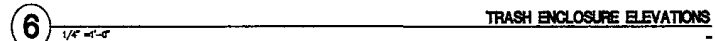
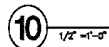


SITE PLAN

SCALE : 1" = 10'-0"



NOTE:
PRIOR TO THE START OF ANY WORK WITHIN
THE CITY RIGHT OF WAY (PUBLIC STREET OR
EASEMENT), THE APPLICANT'S CONTRACTOR
TO OBTAIN ENCROACHMENT PERMIT.



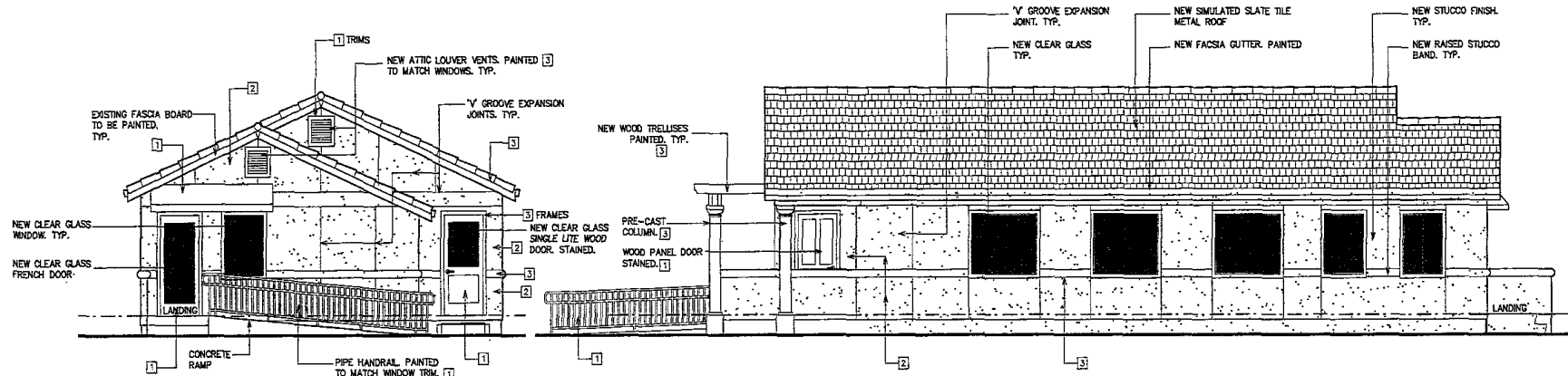
EXTERIOR PAINT COLOR SCHEDULE

- 1 'RALPH LAUREN' BLUE FROST SS22
- 2 'RALPH LAUREN' FOG SS38
- 3 'KELLY-MOORE' WSS Pearl White

EXTERIOR FINISH SCHEDULE

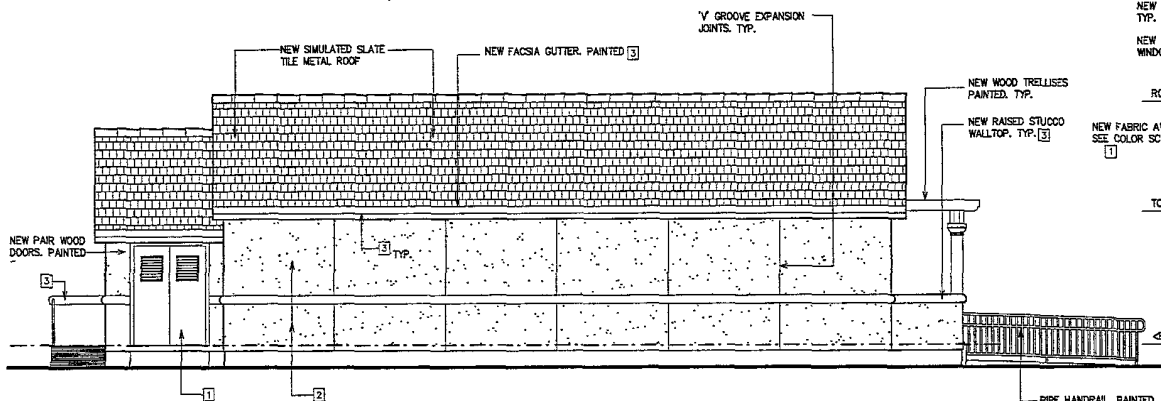
SIMULATED SLATE TILE METAL ROOFING	COLOR: SLATE
WINDOW GLAZING	DOUBLE PANE GLASS WITH VINYL FRAMES
EXTERIOR WALL	STUCCO, SAND FINISH
EXPOSED WOOD FASCIA BOARD	PAINTED
EXTERIOR PANEL WOOD DOORS	PAINTED
EXTERIOR UTILITY WOOD DOORS	PAINTED
ATTIC LOUVER VENTS	SHEET METAL PAINTED, FLAT
AWNING	VINYL FABRIC AWNING, DOME STYLE BY "SABRELLA"
WALL PACK LIGHTING	DL-10-G, BY "QUALITY LIGHTING"
	COLOR: STANDARD BLACK

DOOR COLOR: 1
FRAMES COLOR: 3
DOOR COLOR: 1
FRAMES COLOR: 3
COLOR: LOUVERS 3, FRAMES 1
COLOR: 1
COLOR: STANDARD BLACK

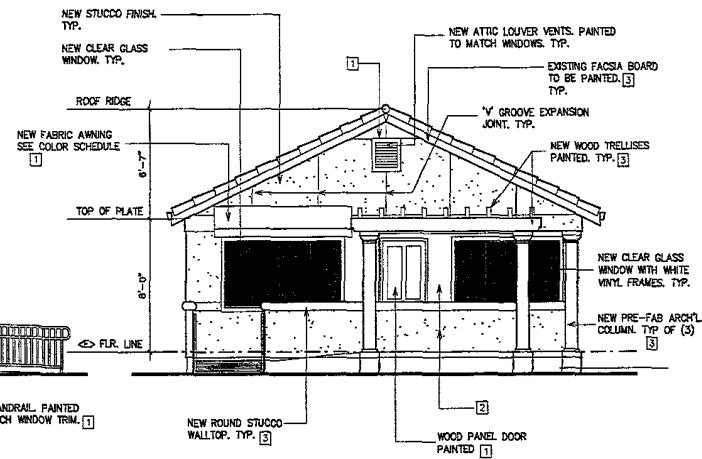


WEST ELEVATION
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:

BUILDING IS EXISTING AND VERTICAL DIMENSIONS ARE FOR REFERENCE ONLY. FIELD VERIFY ACTUAL BUILDING HEIGHT.



T SQUARE CONSULTING GROUP

8919 PINNACLE DR
SAN JOSE, CA 95132
TEL (408) 928-9790
FAX (408) 928-9190

SY-CHENG TSAI C-24284

MEDICAL OFFICE
429 SOUTH MAIN STREET
MILPITAS, CA.

ELEVATIONS

DATE: 04/21/03
JOB NO. K30210

REVISIONS:

NO.	DESCRIPTION
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SHEET NO.

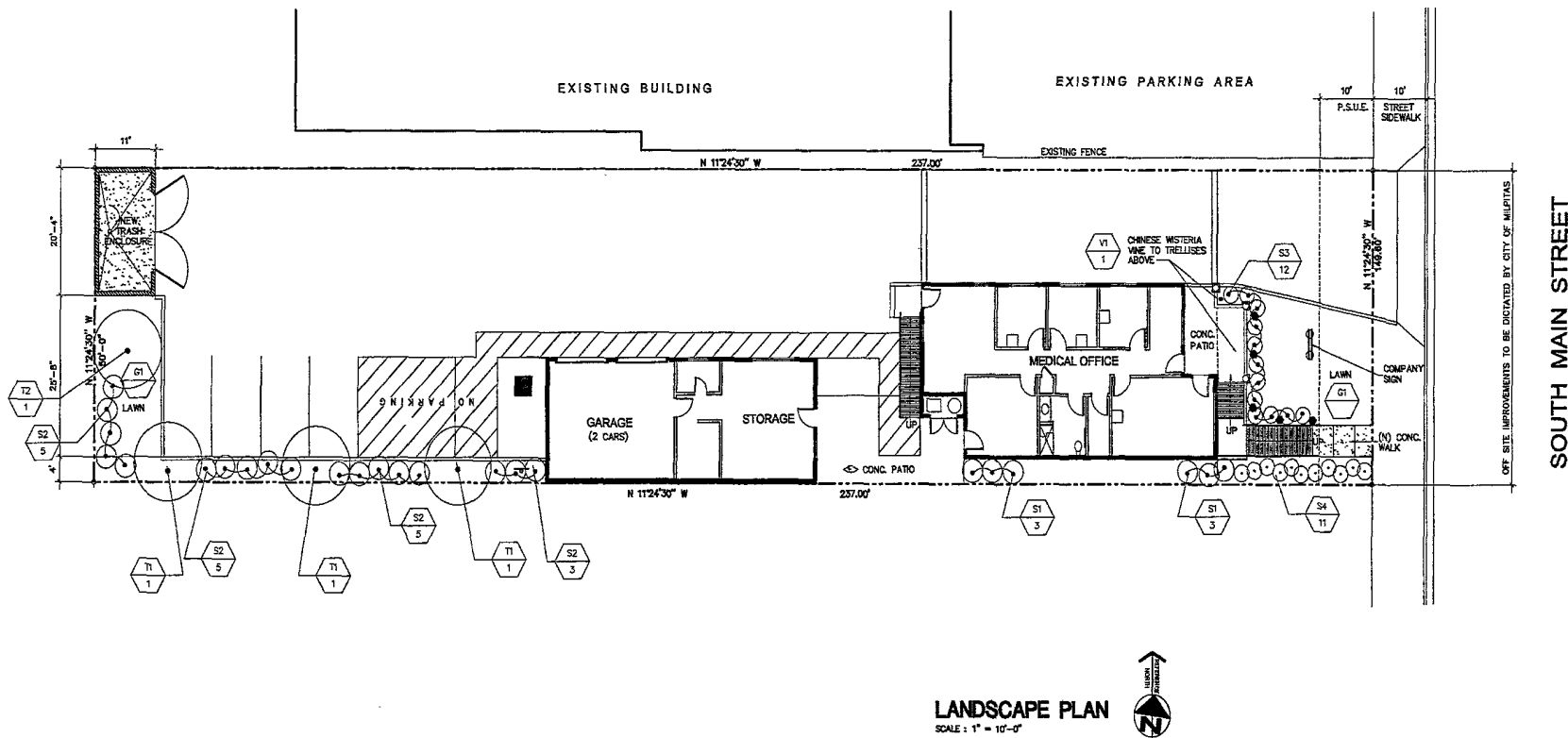
A3.1

DRAWN BY:

PLANT LIST					
KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
T1	PRUNUS YEDONENSIS 'AKERON'	EUROPEAN WHITE BIRCH	3	15 GAL	STANDARD FORM
T2	CELTIS SINENSIS	CHINESE HACKBERRY	1	15 GAL	STANDARD FORM
SHRUBS					
S1	EURYOPS PECTINATUS 'GREEN GOLD'	GOLDEN SHRUB DAISY	6	5 GAL	
S2	PITTOSPORUM TORIBA 'VARIAGATA'	VARGATED TORIBA	18	5 GAL	
S3	PITTOSPORUM TORIBA 'WHEELERS DWARF'	DWARF TORIBA	12	5 GAL	
S4	RAPHIOLEPIS INDICA 'CLARA'	INDIAN HAWTHORN	11	5 GAL	
GROUND COVER					
G1	FESTUCA SPECIES	DWARF FESCUE BLEND		500	
VINE					
V1	WISTERIA SINENSIS	CHINESE WISTERIA		5 GAL	

SYMBOL

● = LOW VOLTAGE LANDSCAPE LIGHTING



LANDSCAPE PLAN

SCALE: 1" = 10'-0"





T SQUARE CONSULTING GROUP

8010 PRINCELE DR
DAN JENSEN, CA 94526

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FAX (408) 926-5180

BY-CHENG TSAI C-24234

MEDICAL OFFICE
429 SOUTH MAIN STREET
MILPITAS, CA.

LANDSCAPE PLAN

DATE: 05/29/03
JOB NO. K30210

REVISIONS:

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SHEET NO.

A4.1

DRAWN BY:

STANDARD GRADING PLAN NOTES:

1. ALL GRADING IS SUBJECT TO OBSERVATION BY THE CITY, PERMITTEE OR REPRESENTATIVE SHALL NOTIFY THE CITY OF MILPITAS AT LEAST 48 HOURS BEFORE START OF ANY GRADING.
2. APPROVAL OF THIS PLAN APPLIES ONLY TO THE LOCATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN ALSO DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS. PROPOSED IMPROVEMENTS ARE SUBJECT TO REVIEW AND APPROVAL OF BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER REQUIRED PERMITS SHALL BE OBTAINED.
3. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR AGENT TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
4. THE PERMITTEE OR AGENT SHALL MAINTAIN THE STREETS, SIDEWALK AND ALL OTHER PUBLIC RIGHT-OF-WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE OR PUBLIC SHALL BE MAINTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
5. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AEROSOL PARTICULATES.
6. THIS PROJECT HAS BEEN DESIGNATED TO COMPLY WITH THE FLOOD HAZARD AREA REGULATIONS AS STATED IN THE CITY OF MILPITAS MUNICIPAL CODE.
7. ALL KNOWN WELL LOCATIONS ON THE SITE HAVE BEEN INCLUDED AND SUCH WELLS SHALL BE MAINTAINED OR ABANDONED ACCORDING TO CURRENT REGULATIONS ADMINISTERED BY THE SANTA CLARA VALLEY WATER DISTRICT. CALL _____ TO ARRANGE FOR DISTRICT OBSERVATION OF ALL WELL ABANDONMENT.
8. IN THE EVENT THAT HUMAN REMAINS AND/OR CULTURAL MATERIALS ARE FOUND, ALL PROJECT-RELATED CONSTRUCTION SHOULD CEASE WITHIN A 100-FOOT RADIUS. THE CONTRACTOR SHALL PURSUANT TO SECTION 70005 OF THE HEALTH AND SAFETY CODE, AND SECTION 50070.04 OF THE PUBLIC RESOURCES CODE OF THE STATE OF CALIFORNIA, NOTIFY THE SANTA CLARA COUNTY CORNER IMMEDIATELY.
9. THIS PLAN DOES NOT APPROVE THE REMOVAL OF TREES. APPROPRIATE TREE REMOVAL PERMITS AND METHODS OF TREE PRESERVATION SHOULD BE OBTAINED FROM THE CITY PLANNING DEPARTMENT AND THE CITY ARBORIST.
10. THE CIVIL ENGINEER, LEE ENGINEERS INC., 1221 PARK AVE. SUITE 112 SAN JOSE, CA 95128 HAS DESIGNED THIS PROJECT TO COMPLY WITH THE GRADING REQUIREMENTS STATED IN USC 15522.
11. ALL GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOIL ENGINEER. THE SOIL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING AT TELEPHONE NUMBER _____. UNDESIGNED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION.
12. A POST CONSTRUCTION "FINAL" REPORT IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS FROM A CIVIL ENGINEER STATING:
 - A. "THAT THE CONSTRUCTION CONFORMS TO THE LINES AND GRADES ON THE APPROVED PLANS" OR
 - B. "THAT ALL SIGNIFICANT CHANGES WERE REVIEWED AND APPROVED IN ADVANCE BY THE DEPARTMENT PUBLIC WORKS" AND THE CIVIL ENGINEER SHALL SUBMIT AN "AS-BUILT" PLAN.
13. A POST CONSTRUCTION "FINAL" REPORT IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS, FROM A SOIL ENGINEER STATING:
 - A. "THAT THE ANTICIPATED CONDITIONS AND MATERIALS AND ACTUAL SITE CONDITIONS AND MATERIALS WERE COMPATIBLE", AND SUPPLY SUPPORTING DATA; OR
 - B. "THAT THE DESIGN WAS MODIFIED TO MEET THE NEW CONDITIONS AND WAS REVIEWED AND APPROVED IN ADVANCE BY THE DEPARTMENT OF PUBLIC WORKS, AND PROVIDE SUPPORTING DATA FOR THESE STATEMENTS."
14. ACCORDING TO THE CITY'S WASTE WATER ORDINANCE, THE USE OF POTABLE (PIPED OR HYDRANT) WATER FOR BUILDING OR CONSTRUCTION PURPOSE INCLUDING CONSOLIDATION OF BACKFILL OR DUST CONTROL IS PROHIBITED.
15. GRADING WILL NOT BE ALLOWED BETWEEN OCTOBER 15TH AND APRIL 15TH OF ANY YEAR WITHOUT EROSION CONTROL PLANS AND MEASURE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.
16. A POST CONSTRUCTION "AS-BUILT" SUBDRAIN PLAN IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS FROM A CIVIL OR SOIL ENGINEER RETAINED BY THE OWNER TO PROVIDE THE FINAL HORIZONTAL AND VERTICAL LOCATIONS OF SUBDRAINS INSTALLED FOR THIS PROJECT SITE.
17. CUT & FILL AMOUNT IS LESS THAN 50 CUB. YD.



LOCATION MAP

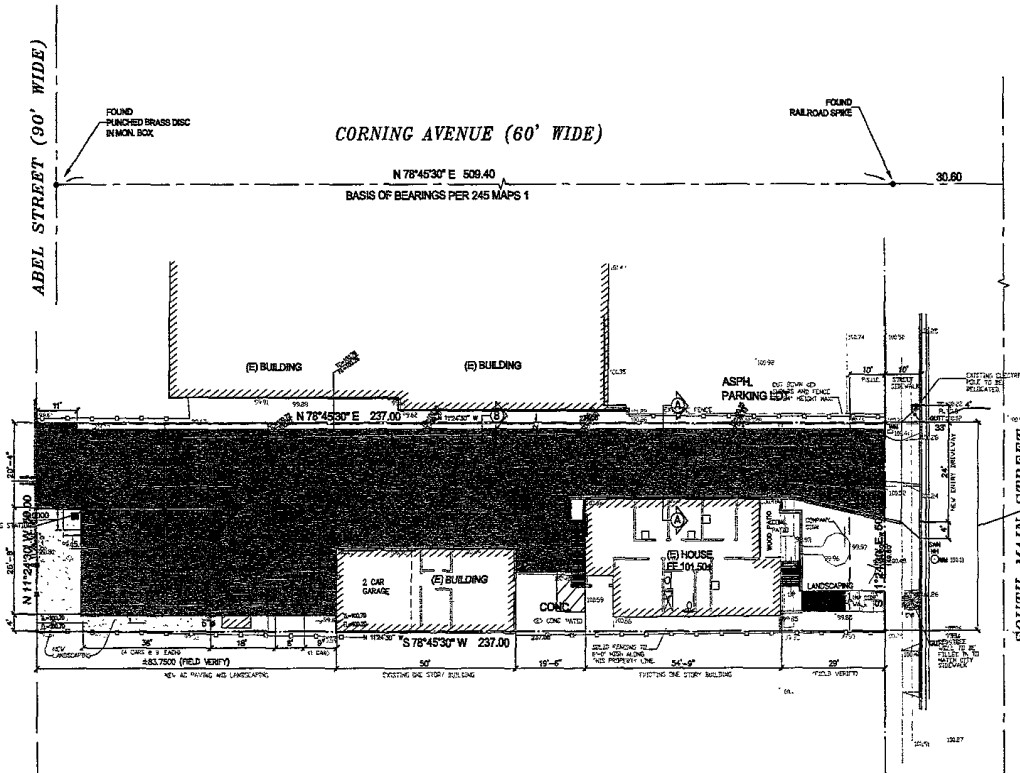
ABEL STREET (90' WIDE)

LOCATION MAP

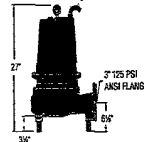
SCALE 1"=16'

CORNING AVENUE (60' WIDE)

N 78°45'30" E 508.40
BASIS OF BEARINGS PER 245 MAPS 1

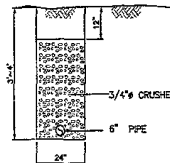


GWS Submersible Sewage Pump 3888D3

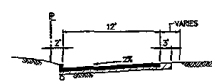


PERFORMANCE RATINGS (Subject to Approval)									
Pressure (PSI)	Flow (GPM)	Head (Feet)	Efficiency (%)	Power (HP)	Weight (LBS)	Dimensions (in)	Material	Notes	Comments
10	100	10	85	1.5	15	12x12x12	Cast Iron		
15	150	15	80	2.2	22	18x18x18	Cast Iron		
20	200	20	75	3.0	30	24x24x24	Cast Iron		
25	250	25	70	3.7	37	30x30x30	Cast Iron		
30	300	30	65	4.5	45	36x36x36	Cast Iron		
35	350	35	60	5.2	52	42x42x42	Cast Iron		
40	400	40	55	6.0	60	48x48x48	Cast Iron		
45	450	45	50	6.7	67	54x54x54	Cast Iron		
50	500	50	45	7.5	75	60x60x60	Cast Iron		
55	550	55	40	8.2	82	66x66x66	Cast Iron		
60	600	60	35	9.0	90	72x72x72	Cast Iron		
65	650	65	30	9.7	97	78x78x78	Cast Iron		
70	700	70	25	10.5	105	84x84x84	Cast Iron		
75	750	75	20	11.2	112	90x90x90	Cast Iron		
80	800	80	15	12.0	120	96x96x96	Cast Iron		
85	850	85	10	12.7	127	102x102x102	Cast Iron		
90	900	90	5	13.5	135	108x108x108	Cast Iron		

DETAIL

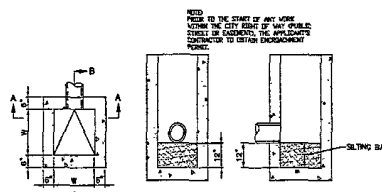


SECTION B-B
NOT TO SCALE



SECTION A-A PRIVATE ACCESS ROAD
NOT TO SCALE

NOTE:
1) BASE & SURFACING-2 1/2\"/>



FRAME & COVER TYPE	W
REGULAR FLAT GRATE AND HOODED INLETS	24"
LARGE FLAT GRATE AND HOODED INLETS	36"

CONCRETE BOX

CATCH BASIN DETAIL

LEGEND AND ABBREVIATIONS	
PROPERTY LINE	---
FOUND MONUMENT AS NOTED	●
STREET CENTERLINE	—+—
WOOD FENCE	
TOP OF CURB	—○—
GUTTER	—x—
FLOW LINE	—○—
SHAWNTY SCOPER MANHOLE	—○—
WATER METER	—○—
POWER POLE	—○—
ELEVATION	—○—
GRADE SLOPE	—○—
STREET TREE	—○—
CATCH BASIN	—○—
DRYWELL	—○—

NOTES:

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF
- REFERENCED ASSUMED N.M.L.:
TOP OF CURB CONTROLLING OF CATCH BASIN LOCATED AT MID-RETURN S.E. CORNER OF MAIN STREET & CORNING AVENUE
E.L.: 100.00

CITY OF MILPITAS
DEPARTMENT OF PUBLIC WORKS
ACCEPTED FOR
GRADING & DRAINAGE PLAN ONLY

PROJECT ENGINEER DATE



LEE ENGINEERS
1221 PARK AVENUE SUITE 112 TEL.
SAN JOSE, CA 95128 408-293 3833

GRADING & DRAINAGE PLAN

OWNER: Mr. & Mrs. NGUYEN

REVISION		PROJECT: NGUYEN PROFESSIONAL BUILDING CONVERSION	
NO.	DATE	BY	DESCRIPTION
1.1			LOCATION: 429 S. MAIN ST. MILPITAS, CA 95035
2.			SCALE: 1"=16'
3.			DATE: 7/27/02
4.			1 OF 1